

From: hcobo@hcounsel.com
To: "hermann.bauer@oneillborges.com"; "ubaldo.fernandez@oneillborges.com"; "dperez@omm.com"; Perez, Diana M.; Hermann Bauer
Subject: Lift of Stay Notice / Request to Meet and Confer / Case No. 17-03283 (3:16-cv-2598)
Date: Sunday, September 09, 2018 9:11:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[Opinion \(Luz Pizarro\).pdf](#)
Importance: High

Debtors' Counsel,

By way of this communication, we express our client **Luz Pizarro-Correa**, intent to file a Stay Relief Motion to seek relief from the automatic stay to continue ordinary course of her employment discrimination civil action before the Federal District Court for the District of Puerto Rico (Civil Case No. **3:16-cv-2598**)

Movant: **Luz Pizarro-Correa**

Movant's contact information: **PO Box 5004, Valle Arriba Heights, Carolina Puerto Rico 00984**

Claim/Lawsuit/Proceeding: **TITLE VII (GENDER)/RETALIATION**

Case Number: **3:16-cv-2598**

Court: **THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO**

Amount claimed and asserted causes of action: **Plaintiff reinstatement, back pay, all loss benefits, front pay and other equitable relief. Compensatory and general damages in the amount of \$300,000.00**

Status of claims/lawsuit/proceeding: **Defendant's Dispositive Motion (Rule 12(b)(6) was denied with respect to Title VII and Hostile work environment Claims. (Pre-Discovery)**

Cause as to why the stay should be lifted: **Redress of Plaintiff's gender employment discrimination and hostile work environment claims does not require Bankruptcy law, and Bankruptcy Court is no proper venue for employment discrimination claims, such as plaintiff's Title VII gender discrimination. A copy of the Opinion is attached, for your reference.**

Kindly contact the undersigned counsel for movant, to conduct a telephone or in person meet and confer, to attempt to resolve movant's request from relief of the automatic stay. We appreciate your response, on or before Friday, September 14, 2018.

Regards,

Humberto Cobo-Estrella, Esq.

Attorney at Law

COBO ESTRELLA LAW OFFICE

PO Box 366451

San Juan, PR 00936-6451

Tel: (787) 529-7140 Email: hcobo@hcounsel.com

WEB: hcounsel.com | www.cobolaw.com



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hcobo@hcounsel.com

From: hcobo@hcounsel.com
Sent: Tuesday, September 18, 2018 10:20 PM
To: 'Claudia Juan Garcia'
Cc: 'Wandymar Burgos Vargas'; 'Iván J. Ramírez Camacho'; 'Carolina Velaz Rivero'; 'Perez, Diana M. (dperez@omm.com)'
Subject: RE: Lift of Stay Notice / Request to Meet and Confer / Case No. 17-03283 (3:16-cv-2598)

Importance: High

Tracking:	Recipient	Read
	'Claudia Juan Garcia'	
	'Wandymar Burgos Vargas'	
	'Iván J. Ramírez Camacho'	
	'Carolina Velaz Rivero'	
	'Perez, Diana M. (dperez@omm.com)'	
	Perez, Diana M.	Read: 9/18/2018 10:55 PM
	Carolina Velaz Rivero	Read: 9/18/2018 10:45 PM

Counsel,

Other than an *opinion* about the procedural status ("preliminary phase") of the case, what is the substantive basis, if any, to decline our request.

The Bankruptcy Court has no jurisdiction to attend to employment discrimination matters, and the applicability of Title VII to this specific case.

The case already survived the Commonwealth's dispositive motion, now is ripe for discovery, and was previously given a lift of stay by the Bankruptcy Court for the District Court to rule on a *dispositive motion*. As you are aware the case had a Pre-Trial Conference set for August 31, 2018 and a Trial Date scheduled for September 10, 2018, both of which are now delayed because of defendant's self-serving dilatory tactics in the Bankruptcy Court.

We respectfully disagree with the assessment that Luz Pizarro case is in a "preliminary phase", and kindly ask you to reconsider.

Regards,

Cobo-Estrella, Esq.

From: Claudia Juan Garcia <cjuan@justicia.pr.gov>
Sent: Tuesday, September 18, 2018 9:52 AM
To: Humberto Cobo Estrella <hcobo@hcounsel.com>
Cc: Wandymar Burgos Vargas <wburgos@justicia.pr.gov>; Iván J. Ramírez Camacho <ivramirez@justicia.pr.gov>; 'Carolina Velaz Rivero' <cvelaz@mpmlawpr.com>; Perez, Diana M. (dperez@omm.com) <dperez@omm.com>
Subject: RE: Lift of Stay Notice / Request to Meet and Confer / Case No. 17-03283 (3:16-cv-2598)

Humberto Cobo-Estrella, Esq.
Attorney at Law

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PO Box 366451
San Juan, PR 00936-6451
Tel. (787) 529-7140 | Email hcobo@hcounsel.com
WEB HCOUNSEL.COM | WWW.COBOLAW.COM

Re: Luz Pizarro-Correa V. ELA, 16-2598

Dear Counsel:

As per the protocol, which requires that all parties seeking to file a motion for relief from the Title III Stay (a "*Stay Relief Motion*") comply with Paragraph III.Q of the Case Management Procedures and provide 15 business days' notice of such motion to the Oversight Board and AAFAF and meet and confer with the Commonwealth before filing a Stay Relief Motion, the Department of Justice/Commonwealth of Puerto Rico acknowledges receipt of movant's notice informing his intention of filing a lift of stay before the Bankruptcy Court that is handling the PROMESA case. After having the opportunity to evaluate movant's allegations and the information provided by the Commonwealth's legal representatives, the Commonwealth has determined, in coordination with AAFAF legal representatives, that the best course of action in this case is **to decline the request to modify stay due to procedural stage of action, which is still in the preliminary phase.**

Please, **confirm receipt** of this electronic mail.

If you have any questions, feel free to contact me.

Cordially,

Lcda. Claudia A. Juan García
Fiscal Auxiliar III
División de Recursos Extraordinarios y Política Pública
Departamento de Justicia
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192
Tél. (787) 721-2900, ext. 2603
cjuan@justicia.pr.gov



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"Para tener éxito no tienes que hacer cosas extraordinarias, tienes que hacer cosas ordinarias extraordinariamente bien".

On Sep 10, 2018, at 10:29 AM, Claudia Juan Garcia <cjuan@justicia.pr.gov> wrote:

Humberto Cobo-Estrella, *Esq.*
Attorney at Law

COBO ESTRELLA LAW OFFICE
PO Box 366451
San Juan, PR 00936-6451
Tel. (787) 529-7140 | Email hcobo@hcounsel.com
WEB HCOUNSEL.COM | WWW.COBOLAW.COM

Dear Counsel:

I acknowledge receipt of your Notice requesting the modification of the automatic stay for the continuance of the proceedings in ten additional prepetition forfeiture cases. We will review the Notice and circle back with you.

Please, confirm receipt of this electronic mail.

If you have any questions, feel free to contact me.

Cordially,

Leda. Claudia A. Juan García
Fiscal Auxiliar III
División de Recursos Extraordinarios y Política Pública
Departamento de Justicia
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192
Tél. (787) 721-2900, ext. 2603
cjuan@justicia.pr.gov
<image001.png>

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"Para tener éxito no tienes que hacer cosas extraordinarias, tienes que hacer cosas ordinarias extraordinariamente bien".

From: Perez, Diana M. [<mailto:dperez@omm.com>]
Sent: Sunday, September 09, 2018 9:14 PM
To: Claudia Juan García; Wandymar Burgos Vargas; Ivan Garau
(ivan.garau@aafaf.pr.gov); cvelaz@mpmlawpr.com; imarini@mpmlawpr.com

Subject: Fwd: Lift of Stay Notice / Request to Meet and Confer / Case No. 17-03283
(3:16-cv-2598)

Please see below and attached for a new stay notice received today.

Begin forwarded message:

From: <hcobo@hcounsel.com>
Date: September 9, 2018 at 9:11:48 PM EDT
To: <hermann.bauer@oneillborges.com>, <ubaldo.fernandez@oneillborges.com>, <dperez@omm.com>
Subject: Lift of Stay Notice / Request to Meet and Confer / Case No. 17-03283 (3:16-cv-2598)

Debtors' Counsel,

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Regards,

Humberto Cobo-Estrella, Esq.
Attorney at Law

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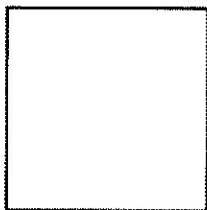
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hcobo@hcounsel.com

From: Claudia Juan Garcia <cjuan@justicia.pr.gov>
Sent: Friday, September 21, 2018 8:39 AM
To: hcobo@hcounsel.com
Cc: Wandymar Burgos Vargas; Iván J. Ramírez Camacho; 'Carolina Velaz Rivero'; 'Perez, Diana M.'
Subject: RE: Lift of Stay Notice / Request to Meet and Confer / Case No. 17-03283 (3:16-cv-2598)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear counsel,

I acknowledge receipt of your email. When we referred to preliminary stage, we refer to the fact that the Lawsuit is not ready for trial, being still pending the discovery and pretrial proceedings, and all other ensuing hearings and filings necessary for the underlying action to proceed to adjudication been completed.

We reaffirm our prior determination.

Regards,

Leda. Claudia A. Juan García
Fiscal Auxiliar III
División de Recursos Extraordinarios y Política Pública
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From: hcobo@hcounsel.com [mailto:hcobo@hcounsel.com]
Sent: Tuesday, September 18, 2018 10:20 PM